

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

Case No.: 19-CR-227

JOSEPH BONGIOVANNI,

PETER GERACE, JR.,

Defendants.

UNITED STATES OF AMERICA,

v.

PETER GERACE, JR.,

Case No.: 23-CR-37

Defendant.

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed declaration of Mark A. Foti, the defendant will move the Hon. Lawrence J. Vilardo, in the United States District Court for the Western District of New York, at the U.S. Courthouse at 2 Niagara Square, Buffalo, New York, on submission of papers or as soon as counsel may be heard, for the following relief:

- A. Unsealing of the May 17, 2023, transcript at Docket Entry 488, subject to appropriate redactions;
- B. Disclosure of any and all *ex parte* applications by the government for a crime-fraud order that reference Peter Gerace or Eric Soehnlein, including any proceedings related thereto and the disposition the application(s);

C. Permission for Mr. Gerace to file a Sur-Reply to the government's brief dated June 6, 2024, filed at Docket Entry 997; and

D. Any additional relief deemed appropriate and just by this Court.

DATED: June 11, 2024

s/ Mark A. Foti, Esq.

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